

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LISA WAITE,

Plaintiff,

v.

No. 1:22-cv-986 KG/KRS

EDURO HEALTHCARE, LLC,
CABEZON NURSING AND REHAB CENTER, LLC,
JOSEPH FOXWOOD, JOLENE GUTIERREZ,
JERA BAILEY, and CATE DYER,

Defendants.

ORDER FOR EXPEDITED BRIEFING

THIS MATTER is before the Court on Defendants' Expedited Motion for Relief and Sanctions based on Grossly Negligent Spoliation of Evidence by Plaintiff, (Doc. 87), filed September 20, 2024. Defendants ask the Court to determine whether Plaintiff failed to preserve data from cell phone and tampered with a forensic copy of said cell phone. Defendants also seek sanctions. Plaintiff opposes the Motion. Considering termination of discovery is September 24, 2024, and Defendants' dispositive motion deadline is October 25, 2024, the Court orders expedited briefing as follows:

1. Plaintiff's response to Defendants' Expedited Motion for Relief and Sanctions based on Grossly Negligent Spoliation of Evidence by Plaintiff, (Doc. 87), is due by **Monday, September 30, 2024**; and
2. Defendants' reply is due by **Friday, October 4, 2024**.



KEVIN R. SWEAZEA

UNITED STATES MAGISTRATE JUDGE